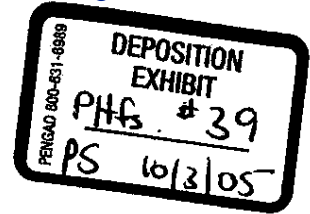


EXHIBIT I



IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF DELAWARE

WAYNE VAN SCOY,

Plaintiff and

Counterclaim-Defendant,

v.

VAN SCOY DIAMOND MINE OF
DELAWARE, INC., a Delaware Corporation
KURT VAN SCOY, and DONNA VAN SCOY,

Defendants and

Counterclaim-Plaintiff.

Case No. 05-108 (KAJ)

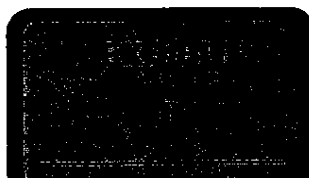
ANSWER, AFFIRMATIVE DEFENSES AND COUNTERCLAIMS

Defendant and Counterclaim-Plaintiff, Van Scoy Diamond Mine of Delaware, Inc., and Defendants Kurt Van Scoy and Donna Van Scoy, by and through their undersigned attorneys, hereby answer the complaint in correspondingly numbered paragraphs and include counterclaims as follows:

1. Admitted that Wayne Van Scoy is an individual; admitted that Wayne Van Scoy is the record owner of two federal registrations for the mark "Van Scoy Diamond Mine" as listed on the records of the United States Patent and Trademark Office; admitted that there is business conducted at 154 Mundy Street, Wilkes-Barre, PA 18702; lacking information and belief, denied that such business is a related company as respecting Wayne Van Scoy.

2. Admitted.

3. Admitted that Kurt Van Scoy is an individual who is at least a part owner and an officer of Van Scoy Diamond Mine of Delaware, Inc.; admitted that Kurt Van Scoy directs in part the operations of Van Scoy Diamond Mine of Delaware, Inc.; denied that Kurt Van Scoy has



directed any acts which amount to infringement or are otherwise wrongful, as asserted in the complaint.

4. Admitted that Donna Van Scoy is an individual who is at least a part owner and an officer of Van Scoy Diamond Mine of Delaware, Inc.; admitted that Donna Van Scoy in part directs the operations of Van Scoy Diamond Mine of Delaware, Inc.; denied that Donna Van Scoy has directed any acts which to infringement or are otherwise wrongful as asserted in the complaint.

5. Admitted that this Court has jurisdiction as respecting the allegations raised in the complaint pursuant to 15 USC 1051 et. seq. as amended and 28 USC 1331.

6. Admitted that this Court has jurisdiction over supplemental claims of common law unfair competition under 28 USC 1338 as alleged in the complaint but denied that there has been any such unfair competition.

7. Admitted that defendants Van Scoy Diamond Mine of Delaware, Inc.; Kurt Van Scoy and Donna Van Scoy reside within this District; denied that any of the defendants have committed or directed acts of infringement as alleged in the complaint, within this District or elsewhere; admitted respecting the allegations raised in the complaint that venue is proper in this District pursuant to 28 USC 1391(b) and (c).

ANSWER TO FIRST CAUSE OF ACTION FOR INFRINGEMENT

8. Admitted that the allegations in the complaint purport to state a cause of action arising under of the trademark laws of the United States, 15 USC 1051 et seq.; denied that any of the defendants have done anything which is actionable under the trademark laws of the United States.

9. Admitted that plaintiff appears to be currently engaged in the business of

marketing, selling and distributing diamonds and other jewelry under the mark "Van Scoy Diamond Mine"; otherwise, lacking information and belief, denied.

10. Admitted that plaintiff appears to be currently engaged in the business of marketing, selling and distributing diamonds and other jewelry under the mark "Van Scoy Diamond Mine"; otherwise, lacking information and belief, denied.

11. Admitted that plaintiff appears to be currently engaged in the business of marketing, selling and distributing diamonds and other jewelry under the mark "Van Scoy Diamond Mine"; otherwise, lacking information and belief, denied.

12. Admitted that plaintiff appears to be currently engaged in the business of marketing, selling and distributing diamonds and other jewelry under the mark "Van Scoy Diamond Mine"; otherwise, lacking information and belief, denied.

13. Lacking information and belief, denied.

14. Lacking information and belief, denied.

15. Lacking information and belief, denied.

16. Specifically denied that the mark "Van Scoy Diamond Mine" has become a famous mark; otherwise, lacking information and belief, denied.

17. Admitted that the records of the United States Patent and Trademark Office indicate that on 21 October 1980 United States trademark registration 1,140,711 was issued to Van Scoy Diamond Mines, Inc., a Pennsylvania corporation, located at Gateway Shopping Center, Edwardsville, Pennsylvania, 18704. Lacking information and belief, denied that the party to whom U.S. trademark registration 1,140,711 issued on 21 October 1980 was or is plaintiff's predecessor in title. Admitted that the records of the United States Patent and Trademark Office show that United States trademark registration 1,140,711 was renewed on 21

October 2000 in the name of plaintiff. Admitted that what appears to be a true copy of the renewal registration showing plaintiff as the record owner of U.S. registration 1,140,711 as renewed was attached to the complaint as plaintiff's Exhibit A. Lacking information and belief, denied that U.S. registration 1,140,711 is in full force and effect, has been made incontestable under Section 15 of the Trademark Act, or is actually owned by plaintiff.

18. Admitted that the records of the United States Patent and Trademark Office indicate that on 28 October 1980 United States trademark registration 1,140,958 was issued to Van Scoy Diamond Mines, Inc., a Pennsylvania corporation, located at Gateway Shopping Center, Edwardsville, Pennsylvania, 18704. Lacking information and belief, denied that the party to whom U.S. trademark registration 1,140,958 issued on 28 October 1980 was or is plaintiff's predecessor in title. Admitted that the records of the United States Patent and Trademark Office show that United States trademark registration 1,140,958 was renewed on 28 October 2000 in the name of plaintiff. Admitted that what appears to be a true copy of the renewal registration showing plaintiff as the record owner of U.S. registration 1,140,958 as renewed was attached to the complaint as plaintiff's Exhibit B. Lacking information and belief, denied that U.S. registration 1,140,958 is in full force and effect, has been made incontestable under Section 15 of the Trademark Act, or is actually owned by plaintiff.

19. Lacking information and belief, denied.

20. Admitted that defendant Van Scoy Diamond Mine of Delaware, Inc. has rendered jewelry stores services and has sold diamonds, precious stones and jewelry under the mark "Van Scoy Diamond Mine of Delaware" from November of 1994 through the present; admitted that defendant Van Scoy Diamond Mine of Delaware, Inc. may have recently rendered jewelry store services and may have recently sold diamonds, precious stones or jewelry under the mark "Van

Scoy Diamond Mine"; denied that such activities on the part of defendant Van Scoy Diamond Mine of Delaware, Inc. have been to the detriment of plaintiff or have damaged plaintiff. As to defendant Kurt Van Scoy, denied. As to defendant Donna Van Scoy, denied.

21. Denied.

22. Denied.

23. Admitted that defendant Van Scoy Diamond Mine of Delaware, Inc. has used the mark "Van Scoy Diamond Mine of Delaware, Inc." for retail jewelry store and services and in connection with the sale of jewelry and precious stones since November of 1994; denied that any of the defendants have had constructive or actual notice of any federal trademark registration rights allegedly owned by plaintiff; denied that use of the mark "Van Scoy Diamond Mine of Delaware, Inc." and/or use of the mark "Van Scoy Diamond Mine" by defendant Van Scoy Diamond Mine of Delaware, Inc. has constituted infringement of any valid right of plaintiff; denied that any use of any name, mark or other designation by defendant Van Scoy Diamond Mine of Delaware, Inc. in connection with the offering and rendering of the retail jewelry store services and the sale of jewelry and precious stones has caused any likelihood of confusion, deception or mistake as respect to plaintiff. As to defendant Kurt Van Scoy, denied. As to defendant Donna Van Scoy, denied.

24. Admitted.

25. Admitted that defendant Van Scoy Diamond Mine of Delaware, Inc. previously operated a website located at www.vanscoydiamondmine.com; denied that creation and operation of that website was done with any knowledge of any trademark registration rights owned by plaintiff. As to defendant Kurt Van Scoy, denied. As to defendant Donna Van Scoy, denied.

26. Denied that defendant Van Scoy Diamond Mine of Delaware, Inc. uses "Vanscoy Diamond Mine" on any website; otherwise as to defendant Van Scoy Diamond Mine of Delaware, Inc., generally denied. As to defendant Kurt Van Scoy, denied. As to defendant Donna Van Scoy, denied.

27. Admitted.

28. Denied.

29. Admitted that defendant Kurt Van Scoy has directed acts of defendant Van Scoy Diamond Mine of Delaware, Inc. but denied that any such acts amounted to infringement or any other actionable wrong as respecting plaintiff.

30. Admitted that defendant Donna Van Scoy has directed acts of defendant Van Scoy Diamond Mine of Delaware, Inc. but denied that any such acts amounted to infringement or any other actionable wrong as respecting plaintiff.

31. Admitted that defendant Van Scoy Diamond Mine of Delaware, Inc. has conducted its business in the District of Delaware, within the jurisdiction of this Court but denied that any act of defendant Van Scoy Diamond Mine of Delaware, Inc. has amounted to infringement or any other actionable wrong as respecting plaintiff. As to defendant Kurt Van Scoy, denied. As to defendant Donna Van Scoy, denied.

32. Denied that any act of defendant Van Scoy Diamond Mine of Delaware, Inc. has amounted to infringement of any mark allegedly belonging to plaintiff; otherwise, lacking information and belief, generally denied by defendant, Van Scoy Diamond Mine of Delaware, Inc. As to defendant Kurt Van Scoy, denied. As to defendant Donna Van Scoy, denied.

33. Denied that any act of defendant Van Scoy Diamond Mine of Delaware, Inc. has amounted to any infringement of any mark allegedly belonging to plaintiff; otherwise, lacking

information and belief, generally denied by defendant, Van Scoy Diamond Mine of Delaware, Inc. As to defendant Kurt Van Scoy, denied. As to defendant Donna Van Scoy, denied.

34. Denied that any act of defendant Van Scoy Diamond Mine of Delaware, Inc. has amounted to any infringement of any mark allegedly belonging to plaintiff; otherwise, lacking information and belief generally denied by defendant, Van Scoy Diamond Mine of Delaware, Inc. As to defendant Kurt Van Scoy, denied. As to defendant Donna Van Scoy, denied.

35. Admitted that plaintiff sent defendants a letter dated 18 November 2004 asserting that plaintiff own certain United States trademark registrations and further asserting that defendants were infringing the marks which were the subject of those registrations; admitted that defendants have continued their business operations substantially as conducted prior to receipt of the 18 November 2004 letter; denied that any such business operations amounted to infringement of any federally registered mark allegedly owned by plaintiff as asserted in plaintiff's 18 November 2004 letter; otherwise, generally denied.

36. Other than the letter dated 18 November 2004 as addressed in the preceding paragraph, denied that plaintiff has requested defendants to in any way change their manner of doing business; additionally denied that any manner of doing business by Van Scoy Diamond Mine of Delaware, Inc. has amounted to infringement of any rights allegedly owned by plaintiff in any federal trademarks allegedly owned by plaintiff. As to defendant Kurt Van Scoy, denied. As to defendant Donna Van Scoy, denied.

37. Other than the letter dated 18 November 2004 as addressed in the preceding two paragraphs, denied that plaintiff has requested defendants to in any way change their manner of doing business; additionally denied that any manner of doing business by Van Scoy Diamond Mine of Delaware, Inc. has amounted to infringement of any rights allegedly owned by plaintiff

in any federal trademarks allegedly owned by plaintiff. As to defendant Kurt Van Scoy, denied.

As to defendant Donna Van Scoy, denied.

38. Denied.

39. Admitted that the actions of defendant Van Scoy Diamond Mine of Delaware, Inc. have been directed by defendant Kurt Van Scoy and by defendant Donna Van Scoy but denied that any such acts of Van Scoy Diamond Mine of Delaware, Inc. have amounted to infringement.

40. Denied.

41. Denied.

**ANSWER TO SECOND CAUSE OF ACTION
FOR ALLEGED FEDERAL UNFAIR COMPETITION**

42. Preceding paragraphs 1 through 41 are incorporated herein by reference as it fully sets forth herein.

43. Denied that the trade name "Van Scoy Diamond Mine" and the mark "Van Scoy Diamond Mine" which is the subject of U.S. registrations 1,140,948 and 1,140,711 have become uniquely associated with or have come to identify plaintiff. As to "Van Scoy Diamond Mine" being a trade name of a company related to plaintiff, lacking information and belief, denied. Denied that any use by defendant Van Scoy Diamond Mine of Delaware, Inc. of the designation "Van Scoy Diamond Mine" and/or the designation "Vanscoy Diamond Mine" and/or the designation "Van Scoy Diamond Mine of Delaware, Inc." or any similar designation amounts to use of any false designation of origin or false representation which has in any way wrongly or falsely designated the retail jewelry store business operated by defendant Van Scoy Diamond Mine of Delaware, Inc. at which retail jewelry store services are rendered and precious stones and jewelry are sold, as originating from or connected with plaintiff; further denied that any such

activity constitutes utilizing false descriptions or representations in interstate commerce.

44. Denied.

**ANSWER TO THIRD CAUSE OF ACTION FOR
REGISTRATION OF PLAINTIFF'S MARK IS AN INTERNET DOMAIN NAME**

45. Preceding paragraphs 1 through 44 are incorporated herein by reference as it fully sets forth herein.

46. Admitted that defendant Van Scoy Diamond Mine of Delaware, Inc. caused the internet domain name www.vanscoydiamondmine.com to be registered; denied that such registration was done by any of the defendants with any knowledge of trademark registrations subsisting on the principal register of the United States Patent and Trademark Office which belong to plaintiff; otherwise generally denied.

47. Denied that when defendant Van Scoy Diamond Mine of Delaware, Inc. registered the internet domain name "www.vanscoydiamondmine.com" that any of the defendants had any knowledge of any United States trademark registrations belonging to plaintiff. Denied that registration of such domain name was done with an intent to injure or profit from plaintiff.

48. Denied.

**ANSWER TO FOURTH CAUSE OF ACTION
FOR COMMON LAW UNFAIR COMPETITION**

49. Preceding paragraphs 1 through 48 are incorporated herein by reference as it fully sets forth herein.

50. Admitted.

51. Denied.

**AFFIRMATIVE DEFENSES OF DEFENDANTS VAN SCOY DIAMOND
MINE OF DELAWARE, INC., KURT VAN SCOY AND DONNA VAN SCOY**

52. Plaintiff has failed to state a claim upon which relief can be granted.
53. Plaintiff's claims are barred by the relevant statutes of limitations.
54. Plaintiff's claims for recovery of property and damages are barred by plaintiff's failure to give notice of registration pursuant to 15 USC 1111.
55. Plaintiff's alleged mark "Van Scoy Diamond Mine" is generic, misdescriptive or otherwise has no significance as a source indicator and hence counter function as a trademark.
56. Plaintiff Wayne Van Scoy's alleged mark "Van Scoy Diamond Mine" is not famous and has not acquired secondary meaning.
57. Plaintiff Wayne Van Scoy's alleged mark Van Scoy Diamond Mine is generic or merely descriptive and thus not capable of protection.
58. Plaintiff's claims are barred by the doctrine of laches.
59. Plaintiff's claims are barred by the doctrine of estoppel.
60. Plaintiff's claims are barred by the doctrine of acquiescence.
61. Plaintiff's claims are barred by the doctrine of waiver.
62. United States trademark registration 1,140,711 on which plaintiff is the current record owner is invalid and unassertable against defendants by reason of the mark which is the subject of such registration having been abandoned by plaintiff and/or by plaintiff's predecessor in title.
63. United States trademark registration 1,140,958 on which plaintiff is the current record owner is invalid and unassertable against defendants by reason of the mark which is the subject of such registration having been abandoned by plaintiff and/or by plaintiff's predecessor in title.

**AFFIRMATIVE DEFENSES OF DEFENDANTS
KURT VAN SCOY AND DONNA VAN SCOY**

64. At all relevant times defendants Kurt Van Scoy and Donna Van Scoy acted within the scope of their duties of employment by defendant Van Scoy Diamond Mine of Delaware, Inc. and to the extent any actions by defendants Kurt Van Scoy and/or Donna Van Scoy are actionable, responsibility for and any liability growing out thereof is that of defendant Van Scoy Diamond Mine of Delaware, Inc., and not that of defendants Kurt Van Scoy and/or Donna Van Scoy.

**COUNTERCLAIMS OF DEFENDANT VAN
SCOY DIAMOND MINE OF DELAWARE, INC.**

Defendant Van Scoy Diamond Mine of Delaware, Inc., in support of its counterclaims against plaintiff Wayne Van Scoy, hereby avers:

59. Defendant Van Scoy Diamond Mine of Delaware, Inc. is a corporation organized and existing under the laws of the state of Delaware, having a principal place of business at 1117 Churchman Road, Newark, Delaware 19713.

60. On information and belief, counterclaim-defendant/Wayne Van Scoy is an individual residing at Wilkes-Barre, Pennsylvania and is the current owner of record in the United States Patent and Trademark Office of United States trademark registrations 1,140,711 and 1,140,958 both being for the mark "Van Scoy Diamond Mine".

61. Jurisdiction of this Court is based upon 28 U.S.C. §§ 1331, 1338(a), 1367, 2201 and 2202.

62. Venue is proper in this district pursuant to 28 U.S.C. § 1391, and is also based upon the filing by plaintiff Wayne Van Scoy of this action against defendant Van Scoy Diamond Mine of Delaware, Inc. and other defendants in this district.

**COUNTERCLAIM FOR A DECLARATION OF INVALIDITY
OF UNITED STATES TRADEMARK REGISTRATION 1,140,958**

63. Defendant Van Scoy Diamond Mine of Delaware, Inc. repeats and reavers each and ever averment contained in paragraphs 64 hereof as though fully set forth herein.

64. This is a counterclaim under the trademark laws of the United States (15 U.S.C. §§ 1051, *et seq.*) for a declaration that United States trademark registration 1,140,958 for the mark "Van Scoy Diamond Mine" is invalid.

65. Plaintiff Wayne Van Scoy asserts that defendant Van Scoy Diamond Mine of Delaware, Inc., and other defendants, by virtue of acts alleged in the complaint in this action, have infringed and continue to infringe the mark "Van Scoy Diamond Mine" which is the subject of United States trademark registration 1,140,958. Defendants, including defendant Van Scoy Diamond Mine of Delaware, Inc., have denied such infringement and assert that U.S. trademark registration 1,140,958 for the mark "Van Scoy Diamond Mine" is invalid.

66. An actual controversy exists between defendant Van Scoy Diamond Mine of Delaware, Inc. and plaintiff Wayne Van Scoy as to the invalidity of United States trademark registration 1,140,958, as evidenced by, *inter alia*, the Complaint and Answer in this action.

67. United States trademark registration 1,140,958 is invalid by virtue of the mark having been abandoned by plaintiff Wayne Van Scoy and/or by plaintiff's predecessor in title, for failure to meet the requirements of, *inter alia*, 15 USC 1052 *et. seq.* of the United States Code.

68. The acts of plaintiff Wayne Van Scoy including the filing of the instant lawsuit have caused, and unless enjoined by this Court, will continue to cause irreparable damage, loss and injury to defendant Van Scoy Diamond Mine of Delaware, Inc. for which defendant Van Scoy Diamond Mine of Delaware, Inc. has no adequate remedy at law and from which defendant

Van Scoy Diamond Mine of Delaware, Inc. is entitled to declaratory and injunctive relief.

**COUNTERCLAIM FOR A DECLARATION OF INVALIDITY
OF UNITED STATES TRADEMARK REGISTRATION 1,140,711**

69. Defendant Van Scoy Diamond Mine of Delaware, Inc. repeats and reavers each and ever averment contained in paragraphs 64 hereof as though fully set forth herein.

70. This is a counterclaim under the trademark laws of the United States (15 U.S.C. §§ 1051, et seq.) for a declaration that United States trademark registration 1,140,711 for the mark "Van Scoy Diamond Mine" is invalid.

71. Plaintiff Wayne Van Scoy asserts that defendant Van Scoy Diamond Mine of Delaware, Inc., and other defendants, by virtue of acts alleged in the complaint in this action, have infringed and continue to infringe the mark "Van Scoy Diamond Mine" which is the subject of United States trademark registration 1,140,958. Defendants, including defendant Van Scoy Diamond Mine of Delaware, Inc., have denied such infringement and assert that U.S. trademark registration 1,140,958 for the mark "Van Scoy Diamond Mine" is invalid.

72. An actual controversy exists between defendant Van Scoy Diamond Mine of Delaware, Inc. and plaintiff Wayne Van Scoy as to the invalidity of United States trademark registration 1,140,958, as evidenced by, *inter alia*, the Complaint and Answer in this action.

73. United States trademark registration 1,140,958 is invalid by virtue of the mark having been abandoned by plaintiff Wayne Van Scoy and/or by plaintiff's predecessor in title, for failure to meet the requirements of, *inter alia*, 15 USC 1052 et. seq.

74. The acts of plaintiff Wayne Van Scoy including the filing of the instant lawsuit have caused, and unless enjoined by this Court, will continue to cause irreparable damage, loss and injury to defendant Van Scoy Diamond Mine of Delaware, Inc. for which defendant Van Scoy Diamond Mine of Delaware, Inc. has no adequate remedy at law and from which defendant

Van Scoy Diamond Mine of Delaware, Inc. is entitled to declaratory and injunctive relief.

**COUNTERCLAIM FOR A DECLARATION OF NON-INFRINGEMENT,
INVALIDITY AND UNENFORCEABILITY OF THE
ALLEGED TRADEMARK "VAN SCOY DIAMOND MINE"**

75. Defendant Van Scoy Diamond Mine of Delaware, Inc. repeats and reavers each and every averment contained in paragraphs 1-74 hereof as though fully set forth herein.

76. This is a counterclaim under the Lanham Act and applicable state or common law for a declaration that plaintiff Wayne Van Scoy's alleged mark "Van Scoy Diamond Mine" is not infringed by the business activities of defendant Van Scoy Diamond Mine of Delaware, Inc., has become generic as a result of use of that mark and/or colorable validations and imitations of that mark by third parties in the retail jewelry business with the knowledge and acquiescence of plaintiff Wayne Van Scoy, and thus is not capable of serving as a valid trademark.

77. An actual controversy exists between defendant Van Scoy Diamond Mine of Delaware, Inc. and plaintiff Wayne Van Scoy as to the validity of the alleged mark "Van Scoy Diamond Mine", as evidenced by *inter alia* the complaint and answer in this action.

78. The alleged mark "Van Scoy Diamond Mine" has become generic or at least misdescriptive and in any event is not capable of serving as a valid trademark as a result of use of that mark or designation and/or colorable variations and imitations of that mark or designation by third parties in the retail jewelry business with the knowledge and acquiescence of plaintiff Wayne Van Scoy.

79. The acts of plaintiff Wayne Van Scoy, including the filing of the instant lawsuit, have caused, and unless enjoined by this Court, will continue to cause irreparable damage, loss and injury to defendant Van Scoy Diamond Mine of Delaware, Inc. for which defendant Van Scoy Diamond Mine of Delaware, Inc. has no adequate remedy at law and from which defendant

Van Scoy Diamond Mine of Delaware, Inc. is entitled to declaratory and injunctive relief.

PRAYER FOR RELIEF

WHEREFORE, Defendant and Counterclaim Plaintiff, Van Scoy Diamond Mine of Delaware, Inc., and Defendants Kurt Van Scoy and Donna Van Scoy pray for the following relief:

- a. Dismissal of the complaint with prejudice;
- b. Entry of judgment declaring that defendant Van Scoy Diamond Mine of Delaware, Inc., Kurt Van Scoy and Donna Van Scoy do not infringe and have not infringed, in any way, the mark "Van Scoy Diamond Mine";
- c. Entry of judgment declaring that United States trademark registration 1,140,711 is invalid;
- d. Entry of judgment declaring that United States trademark registration 1,140,958 is invalid;
- e. Entry of judgment that United States trademark registration 1,140,711 is unenforceable as against defendants on the basis of laches;
- f. Entry of judgment that United States trademark registration 1,140,958 is unenforceable as against defendants on the basis of laches;
- g. Entry of judgment declaring that the mark "Van Scoy Diamond Mine" is invalid as being generic or at least misdescriptive and is incapable of functioning as a trademark as a result of use of that mark and/or colorable variations and imitations of that mark by third parties in the retail jewelry business;
- h. Entry of an Order enjoining plaintiff Wayne Van Scoy, his successors, assigns, officers, agents, servants, employees, attorneys, and all other persons acting in active concert

with any of them, from directly or indirectly making any threats, charges, or assertions related to any alleged infringement of, or institution of any action for infringement of, the mark "Van Scoy Diamond Mine" against defendants Van Scoy Diamond Mine of Delaware, Inc., Kurt Van Scoy or Donna Van Scoy, including any of their successors, assigns, persons in privity with any of them, agents, direct or indirect customers, or any other person by reason of offering to sell or selling the products of defendant Van Scoy Diamond Mine of Delaware, Inc.;

i. An award to defendants Van Scoy Diamond Mine of Delaware, Inc., Kurt Van Scoy and Donna Van Scoy of their costs and attorney fees incurred in this action;

j. An award to defendants Van Scoy Diamond Mine of Delaware, Inc., Kurt Van Scoy and Donna Van Scoy of such other and further relief against plaintiff Wayne Van Scoy as this Court deems just and equitable.

FOX ROTHSCHILD LLP

By: /s/ Francis G.X. Pileggi
Francis G.X. Pileggi (Del. Bar No. 2624)
Citizen Bank Center
Suite 1300
919 North Market Street
Wilmington, DE 19801-2323
Phone: (302) 654-7444
E-mail: fpileggi@foxrothschild.com

Attorneys for Defendants and
Counterclaim Plaintiff

OF COUNSEL:

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Fox Rothschild LLP
2000 Market Street
Tenth Floor
Philadelphia, PA 19103
(215) 299-2135

Dated: March 15, 2005

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE OF ANSWER

I hereby certify that on March 15, 2005, I electronically filed the foregoing Answer, Affirmative Defenses and Counterclaims with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

Steven J. Balick, Esquire
John G. Day, Esquire
Ashby & Geddes
222 Delaware Avenue, 17th Floor
P.O. Box 1150
Wilmington, DE 19899

I hereby certify that on March 15, 2005, I have mailed by United States Postal Service, the foregoing document(s) to the following:

Steven J. Balick, Esquire
John G. Day, Esquire
Ashby & Geddes
222 Delaware Avenue, 17th Floor
P.O. Box 1150
Wilmington, DE 19899

/s/ Francis G.X. Pileggi
Francis G.X. Pileggi (I.D. No. 2624)
Fox Rothschild LLP
Suite 1300
919 N. Market Street
Wilmington, DE 19801
Phone: (302) 654-7444
E-mail: fpileggi@foxrothschild.com

EXHIBIT J



VAN SCOY DIAMOND MINE

of Delaware, Inc.

Bigger and Better for Less



Toll Free 1-866-VANSCOY

Store Hours
Monday: 11:00am - 6:00pm
Tuesday: 11:00am - 8:00pm
Wednesday: 10:00am - 5:00pm
Thursday: 11:00am - 8:00pm
Friday: 11:00am - 8:00pm
Saturday: 10:00am - 5:00pm

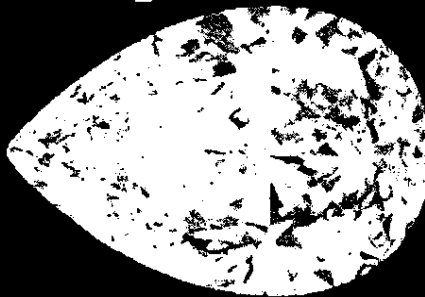
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DIAMOND GUIDE



Showcase Gallery
Store Images

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of Delaware, Inc.

**Bigger
and Better for Less**

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1-866-VANSCOY

HOME



Vanscoy Diamond Mine provides high quality diamonds for less than the other diamond distributors.

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VAN SCOY DIAMOND MINE

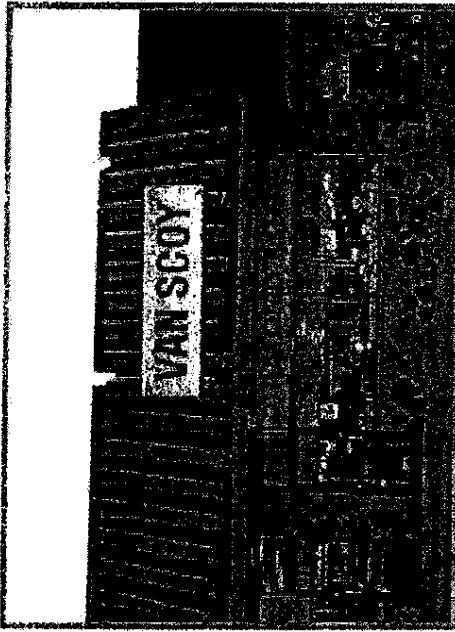
of Delaware, Inc.

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Bigger and Better for Less

1-866-VANSCOY

ABOUT US



> > MORE STORE IMAGES

Van Scoy Diamond Mine is a direct diamond importer of the finest quality diamonds that are guaranteed bigger and better for less, **IN WRITING!**

We give this guaranty for many reasons, that also define us as a reputable jeweler. A jeweler that has a "Reputation, not an Image!" Our sales staff is non-commissioned and well educated, whice we pass along to all our customers, by keeping our prices lower and making sure you know exactly what your buying. If we do not have exactly what you are looking for we can usually get it for you overnight, at no obligation. There are no sales events, since we offer the best price all the time, and we like to relieve any pressure from our customers. In fact we even encourage shopping around, so you can appreciate all we are offering. When your decision has been made to purchase that very special piece of jewelry, any alterations (sizing, setting) can be done within only one hour. Also giving you a lifetime guaranty on manufacturers defect or workmanship. There is no comparison between Van Scoy Diamond Mine and any other jeweler, for these reasons as well as many others. We'd love to share with you the relationship we've been building for over 70 years with our customers, so come and enjoy the experience.

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Showcase Gallery

Products found: 716

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Colored Stone
Diamond
Colored Stone
Rings
Bands
Diamond Rings
Anniversary
Mountings
Wedding Bands
Earrings
Colored Stone
Diamond
Pendants/Necklaces



Price: \$1899.00
Carat Weight: 1.00
Style Number: 4E79D
Description: Marquise & Baguette
Metal: 14kt Y/g
More Info



Price: \$799.00
Carat Weight: 0.50
Style Number: 4H95DB
Description: Round
Metal: 14kt w/g
More Info




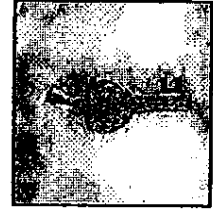
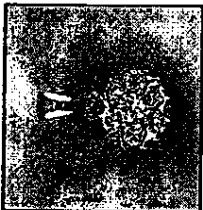
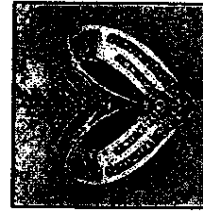
Price: \$550.00
Carat Weight: 0.20
Style Number: 5979D
Description: Baguette & Round
Metal: 14kt w/g
More Info



Price: \$975.00
Carat Weight: 0.38
Style Number: 1104D
Description: Princess & Round & Baguette
Metal: 18kt w/g
More Info

Price: \$935.00
Carat Weight: 0.44
Style Number: 4H22DM
Description: Marquise & Princess
Metal: 14kt w/g

Price: \$550.00
Carat Weight: 0.19
Style Number: 5906D
Description: Round & Baguette
Metal: 14kt w/g


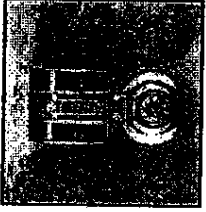
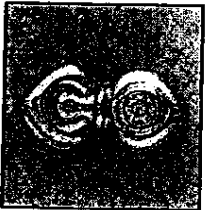

	<p>Price: \$699.00</p> <p>Carat Weight: 0.39</p> <p>Style Number: 4H95DM</p> <p>Description: Round</p> <p>Metal: 14kt w/g</p> <p>More Info</p>		<p>Price: \$135.00</p> <p>Carat Weight: 0.08</p> <p>Style Number: 7367DS</p> <p>Description: Single Cut - Key</p> <p>Metal: 14kt w/g</p> <p>More Info</p>
	<p>Price: \$299.00</p> <p>Carat Weight: 0.23</p> <p>Style Number: 7N42D</p> <p>Description: Round</p> <p>Metal: 14kt w/g</p> <p>More Info</p>		<p>Price: \$899.00</p> <p>Carat Weight: 0.33</p> <p>Style Number: 7921SP</p> <p>Description: 1.70tw Pink Sapphire Slide</p> <p>Metal: 14kt w/g</p> <p>More Info</p>

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1 2 3 4 5 6 7

Most styles are available in all metals
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	<p>Price: \$2999.00</p> <p>Carat Weight: 2.25</p> <p>Style Number: 2106DP</p> <p>Description: Round & Princess</p> <p>Metal: 14kt w/g</p> <p>More Info</p>
	<p>Price: \$450.00</p> <p>Carat Weight: 0.26</p> <p>Style Number: 7A69D</p> <p>Description: Round & Baguette Slide</p> <p>Metal: 14kt T.T.</p> <p>More Info</p>
	<p>Price: \$235.00</p> <p>Carat Weight: 0.09</p> <p>Style Number: 7A95D</p> <p>Description: Round</p> <p>Metal: 14kt T.T.</p> <p>More Info</p>
	<p>Price: \$150.00</p> <p>Carat Weight: 0.00</p> <p>Style Number: 7354R</p> <p>Description: .15tw Ruby Heart</p> <p>Metal: 14kt w/g</p> <p>More Info</p>

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2 3 4 5 6 7 8

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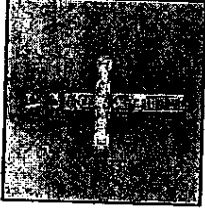


	<p>Price: \$1399.00</p> <p>Carat Weight: 0.87</p> <p>Style Number: 4F09D</p> <p>Description: Baguette & Round</p> <p>Metal: 14kt w/g</p> <p>More Info</p>		<p>Price: \$699.00</p> <p>Carat Weight: 0.23</p> <p>Style Number: 4H01DM</p> <p>Description: Marquise & Round</p> <p>Metal: 14kt w/g</p> <p>More Info</p>
	<p>Price: \$235.00</p> <p>Carat Weight: 0.17</p> <p>Style Number: 7M70DS</p> <p>Description: Single Cut - Frog</p> <p>Metal: 14kt w/g</p> <p>More Info</p>		<p>Price: \$150.00</p> <p>Carat Weight: 0.00</p> <p>Style Number: 7354R</p> <p>Description: .15tw Ruby Heart</p> <p>Metal: 14kt w/g</p> <p>More Info</p>

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3456789

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	More Info		More Info
Price: \$399.00 Carat Weight: 0.20 Style Number: 2N64YD Description: Round (Yellow & White Diamond) Metal: 14kt tt More Info		Price: \$835.00 Carat Weight: 0.57 Style Number: 7I95D Description: Diamond Cross Metal: 14kt w/g More Info	
			
Price: \$135.00 Carat Weight: 0.08 Style Number: 7J69DS Description: Single Cut - Butterfly Metal: 14kt w/g More Info		Price: \$475.00 Carat Weight: 0.35 Style Number: 7636DS Description: Round & Baguette Metal: 14kt y/g More Info	
			

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8 9 10 11 12 13 14

Most styles are available in all metals
Call for pricing and availability
Prices may change without notice
Carat weights are approximate total weights

	Price: \$835.00 Carat Weight: 0.35 Style Number: 3810DP Description: Princess Metal: 14kt y/g More Info		Price: \$635.00 Carat Weight: 0.75 Style Number: 2N95D Description: Round Metal: 14kt w/g More Info
	Price: \$135.00 Carat Weight: 0.03 Style Number: 7K83DS Description: Single Cut - Seahorse Metal: 14kt w/g More Info		Price: \$450.00 Carat Weight: 0.25 Style Number: 1101D Description: Princess Metal: 14kt y/g More Info

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10 11 12 **13** 14 15 16

Most styles are available in all metals
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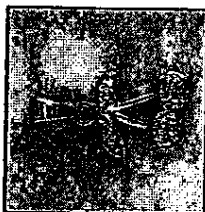
Price: \$575.00
Carat Weight: 0.50
Style Number: 2E19D
Description: Baguette
Metal: 14kt w/g
More Info



Price: \$175.00
Carat Weight: 0.06
Style Number: 2F10D
Description: Round
Metal: 14kt y/g
More Info



Price: \$435.00
Carat Weight: 0.33
Style Number: 2Q32D
Description: Round
Metal: 14kt w/g
More Info

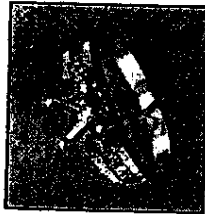


Price: \$135.00
Carat Weight: 0.05
Style Number: 7J17DS
Description: Single Cut - Cherries
Metal: 14kt w/g
More Info

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12 13 14 15 16 17 18

Most styles are available in all metals
Call for pricing and availability
Prices may change without notice
Carat weights are approximate total weights



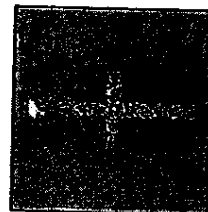
Price:
Carat Weight:
Style Number:
Description:
Metal:

\$125.00
0.05
2191D
Round
14kt w/g
More Info



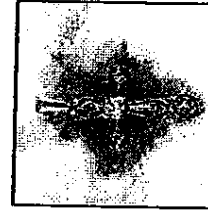
Price:
Carat Weight:
Style Number:
Description:
Metal:

\$399.00
0.33
7G18D
Round Diamond Cross
14kt Y/g
More Info



Price:
Carat Weight:
Style Number:
Description:
Metal:

\$199.00
0.17
7J54DS
Single Cut - Dolphin
14kt Y/g
More Info



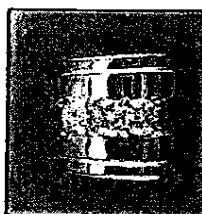
Price:
Carat Weight:
Style Number:
Description:
Metal:

\$375.00
0.18
7K01D
Diamond Cross
14kt w/g
More Info

Page 16 of 72

13 14 15 16 17 18 19

Most styles are available in all metals
Call for pricing and availability
Prices may change without notice
Carat weights are approximate total weights



Price: \$99.00
Carat Weight: 0.11
Style Number: 2Q71DS
Description: Single Cut Round
Metal: 14kt w/g
More Info

Price: \$835.00
Carat Weight: 0.55
Style Number: 7K92D
Description: Round
Metal: 14kt y/g
More Info




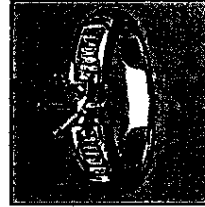



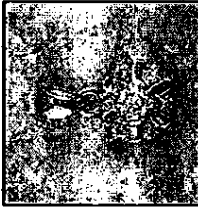
Price: \$450.00
Carat Weight: 0.25
Style Number: 7G02S
Description: .90tw Sapphire Slide
Metal: 14kt w/g
More Info

Price: \$275.00
Carat Weight: 0.12
Style Number: 8624DS
Description: Single Cut Round
Metal: 14kt w/g
More Info

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15 16 17 **18** 19 20 21

Most styles are available in all metals
Call for pricing and availability
Prices may change without notice
Carat weights are approximate total weights

	More Info		More Info
Price: \$99.00 Carat Weight: 0.03 Style Number: 2J81DS Description: Round Metal: 14kt tt More Info		Price: \$999.00 Carat Weight: 0.65 Style Number: 2J96D Description: Princess Metal: 14kt tt More Info	
			
Price: \$1599.00 Carat Weight: 2.00 Style Number: 2N27D Description: Round Metal: 14kt y/g More Info		Price: \$299.00 Carat Weight: 0.20 Style Number: 7H73D Description: Round Metal: 14kt w/g More Info	
			

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16 17 18 19 20 21 22

Most styles are available in all metals
 Call for pricing and availability
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Price: \$135.00
 Carat Weight: 0.08
 Style Number: 2M93D
 Description: Round
 Metal: 14kt y/g
[More Info](#)



Price: \$150.00
 Carat Weight: 0.02
 Style Number: 7786E
 Description: .10tw Emerald Heart
 Metal: 14kt y/g
[More Info](#)



Price: \$575.00
 Carat Weight: 0.50
 Style Number: 2E19D
 Description: Baguette
 Metal: 14kt w/g
[More Info](#)





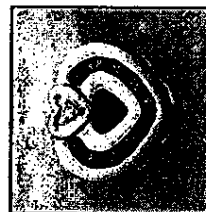

Price: \$650.00
 Carat Weight: 0.62
 Style Number: 2P10D
 Description: Round
 Metal: 14kt w/g
[More Info](#)



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17 18 19 20 21 22 23

Most styles are available in all metals
 Call for pricing and availability
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 Carat weights are approximate total weights

	<p>Price: \$699.00 Carat Weight: 0.24 Style Number: 4H21DM Description: Marquise & Round Metal: 14kt w/g More Info</p>		<p>Price: \$599.00 Carat Weight: 0.45 Style Number: 2K88DP Description: Princess Metal: 14kt w/g More Info</p>
	<p>Price: \$175.00 Carat Weight: 0.01 Style Number: 7B50S Description: .35tw Sapphire Heart Metal: 14kt w/g More Info</p>		<p>Price: \$150.00 Carat Weight: 0.08 Style Number: 8648DS Description: Single Cut - Wishbone Metal: 14kt w/g More Info</p>

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20 21 22 23 24 25 26

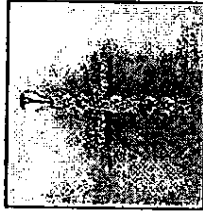
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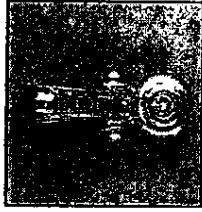
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Carat Weight:
Style Number:
Description:
Metal:

\$1175.00
1.00
7G20D
Diamond Cross
14kt w/g
More Info



Price:
Carat Weight:
Style Number:
Description:
Metal:

\$275.00
0.25
8498D
Diamond Heart
14kt w/g
More Info



Price:
Carat Weight:
Style Number:
Description:
Metal:

\$135.00
0.03
7K83DS
Single Cut - Seahorse
14kt w/g
More Info



Price:
Carat Weight:
Style Number:
Description:
Metal:

\$150.00
0.08
8648DS
Single Cut - Wishbone
14kt w/g
More Info



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21 22 23 24 25 26 27

Most styles are available in all metals
Call for pricing and availability
Prices may change without notice
Carat weights are approximate total weights



Price: \$875.00
Carat Weight: 0.75
Style Number: 2M13DS
Description: Round
Metal: 14kt y/g
More Info



Price: \$450.00
Carat Weight: 0.27
Style Number: 2N13D
Description: Round
Metal: 14kt w/g
More Info



Price: \$650.00
Carat Weight: 0.40
Style Number: 2N34D
Description: Round
Metal: 14kt y/g
More Info



Price: \$99.00
Carat Weight: 0.11
Style Number: 2Q71DS
Description: Single Cut Round
Metal: 14kt w/g
More Info

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28 29 30 31 32 33 34

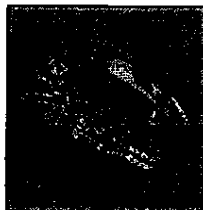
Most styles are available in all metals
Call for pricing and availability
Prices may change without notice
Carat weights are approximate total weights



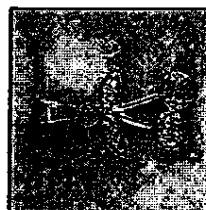
Price: \$235.00
 Carat Weight: 0.10
 Style Number: 2G48DS
 Description: Round
 Metal: 14kt w/g
 More Info



Price: \$299.00
 Carat Weight: 0.23
 Style Number: 2M59D
 Description: Round
 Metal: 14kt tt
 More Info



Price: \$275.00
 Carat Weight: 0.20
 Style Number: 2H84DP
 Description: Round
 Metal: 14kt w/g
 More Info



Price: \$135.00
 Carat Weight: 0.05
 Style Number: 7J17DS
 Description: Single Cut - Cherries
 Metal: 14kt w/g
 More Info

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29 30 31 32 33 34 35

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Diamond

Colored Stone

Rings

Bands

Diamond Rings

Anniversary

Mountings

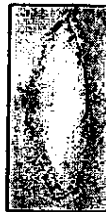
Wedding Bands

Earrings

Colored Stone

Diamond

Pendants/Necklaces



Price: \$650.00
 Carat Weight: 0.80
 Style Number: 6A42DS
 Description: Single Cut Round
 Metal: 14kt w/g
 More Info



Price: \$699.00
 Carat Weight: 0.55
 Style Number: 6C20DS
 Description: Single Cut Round
 Metal: 14kt w/g
 More Info



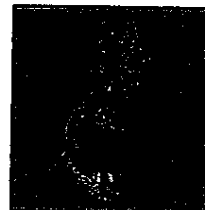
Price: \$250.00
 Carat Weight: 0.10
 Style Number: 2G73DS
 Description: Round
 Metal: 14kt w/g
 More Info



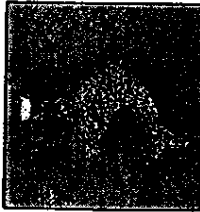
Price: \$199.00
 Carat Weight: 0.13
 Style Number: 2J85DS
 Description: Round
 Metal: 14kt y/g
 More Info



Price: \$435.00
 Carat Weight: 0.50
 Style Number: 2K39D
 Description: Baguette
 Metal: 14kt y/g
 More Info



Price: \$135.00
 Carat Weight: 0.11
 Style Number: 2Q31D
 Description: Single Cut Round
 Metal: 14kt w/g
 More Info



Price: \$199.00
Carat Weight: 0.17
Style Number: 7J54DS
Description: Single Cut - Dolphin
Metal: 14kt Y/g
More Info



Price: \$150.00
Carat Weight: 0.02
Style Number: 7J83DS
Description: Single Cut - Teddy Bear
Metal: 14kt Y/g
More Info



Price: \$375.00
Carat Weight: 0.18
Style Number: 7K01D
Description: Diamond Cross
Metal: 14kt w/g
More Info




Price: \$275.00
Carat Weight: 0.08
Style Number: 1083R
Description: .27tw Ruby - Round & Princess
Metal: 14kt w/g
More Info

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35 36 37 38 39 40 41

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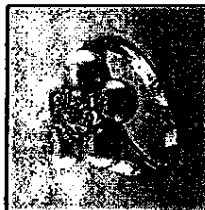
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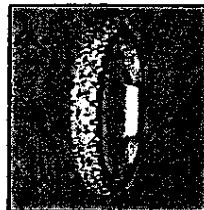
Bracelets & Bangles
Colored Stone
Diamond
Colored Stone
Rings
Bands
Diamond Rings
Anniversary
Mountings
Wedding Bands
Earrings
Colored Stone
Diamond
Pendants/Necklaces



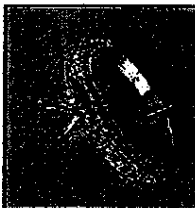
Price: \$299.00
Carat Weight: 0.05
Style Number: 1221P
Description: Pearl & Diamond
Metal: 14kt y/g
More Info



Price: \$635.00
Carat Weight: 0.31
Style Number: 4F03DB
Description: Round & Baguette
Metal: 14kt y/g
More Info



Price: \$550.00
Carat Weight: 0.33
Style Number: 4G25DB
Description: Round
Metal: 14kt w/g
More Info



Price: \$695.00
Carat Weight: 0.40
Style Number: 4E04D
Description: Round
Metal: 14kt w/g
More Info

Price: \$150.00
Carat Weight: 0.12
Style Number: 2188D
Description: Single Rounds
Metal: 14kt w/g
More Info

Price: \$299.00
Carat Weight: 0.35
Style Number: 2M08D
Description: Round
Metal: 14kt w/g
More Info



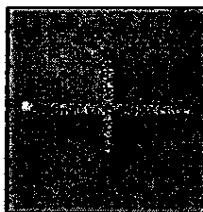
Price:
Carat Weight:
Style Number:
Description:
Metal:

\$899.00
0.75
2P30D
Round
14kt w/g
More Info



Price:
Carat Weight:
Style Number:
Description:
Metal:

\$250.00
0.25
7D31DS
Diamond Heart
14kt w/g
More Info



Price:
Carat Weight:
Style Number:
Description:
Metal:

\$335.00
0.30
7F53D
Diamond Cross
14kt y/g
More Info



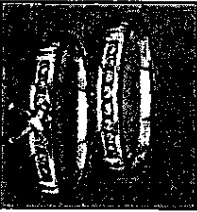
Price:
Carat Weight:
Style Number:
Description:
Metal:

\$150.00
0.08
8648DS
Single Cut - Wishbone
14kt w/g
More Info

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34 35 36 37 38 39 40

Most styles are available in all metals
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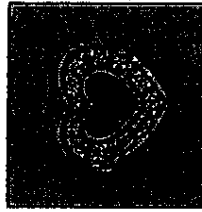
Price: \$975.00
 Carat Weight: 0.75
 Style Number: 2117D
 Description: Princess
 Metal: 14kt y/g
 More Info



Price: \$635.00
 Carat Weight: 0.75
 Style Number: 2N95D
 Description: Round
 Metal: 14kt w/g
 More Info



Price: \$350.00
 Carat Weight: 0.16
 Style Number: 2N62YD
 Description: Round (Yellow & White Diamond)
 Metal: 18kt tt
 More Info





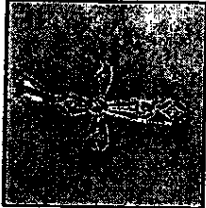



Price: \$150.00
 Carat Weight: 0.07
 Style Number: 7B43D
 Description: Diamond Heart
 Metal: 14kt y/g
 More Info

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41 42 43 44 45 46 47

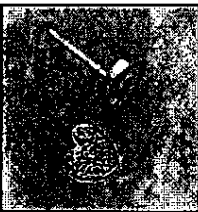
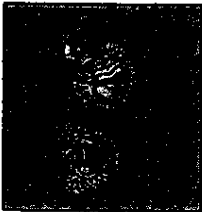
Most styles are available in all metals
 Call for pricing and availability
 Prices may change without notice
 Carat weights are approximate total weights

	More Info		More Info
Price: \$599.00 Carat Weight: 0.17 Style Number: 4D42D Description: Round Metal: 14kt w/g More Info		Price: \$235.00 Carat Weight: 0.10 Style Number: 2G48DS Description: Round Metal: 14kt w/g More Info	
			
Price: \$175.00 Carat Weight: 0.04 Style Number: 7D05D Description: Diamond Cross Metal: 14kt w/g More Info		Price: \$135.00 Carat Weight: 0.03 Style Number: 7K83DS Description: Single Cut - Seahorse Metal: 14kt w/g More Info	
			

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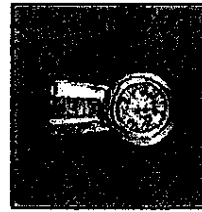
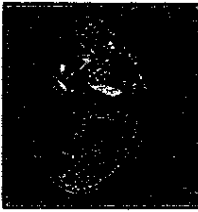
45 46 47 48 49 50 51

Most styles are available in all metals
Call for pricing and availability
Prices may change without notice
Carat weights are approximate total weights



Price: \$199.00
 Carat Weight: 0.11
 Style Number: 2P07D
 Description: Round
 Metal: 14kt w/g
 More Info

Price: \$135.00
 Carat Weight: 0.11
 Style Number: 2Q38D
 Description: Single Cut Round
 Metal: 14kt w/g
 More Info



Price: \$250.00
 Carat Weight: 0.25
 Style Number: 2P91D
 Description: Round
 Metal: 14kt w/g
 More Info

Price: \$499.00
 Carat Weight: 0.25
 Style Number: 7G37D
 Description: Round & Baguette
 Metal: 14ktw/g
 More Info

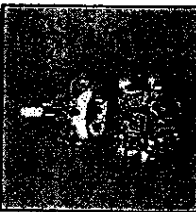
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47 48 49 50 51 52 53

Most styles are available in all metals
 Call for pricing and availability
 Prices may change without notice
 Carat weights are approximate total weights



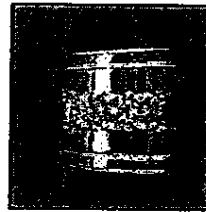
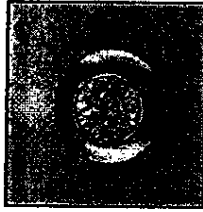
Price: \$1299.00
 Carat Weight: 1.50
 Style Number: 2N46D
 Description: Round
 Metal: 14kt w/g
 More Info



Price: \$150.00
 Carat Weight: 0.02
 Style Number: 7J83DS
 Description: Single Cut - Teddy Bear
 Metal: 14kt y/g
 More Info



Price: \$299.00
 Carat Weight: 0.16
 Style Number: 7A71D
 Description: Round
 Metal: 14kt w/g
 More Info



Price: \$835.00
 Carat Weight: 0.55
 Style Number: 7K92D
 Description: Round
 Metal: 14kt y/g
 More Info

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56 57 58 59 60 61 62

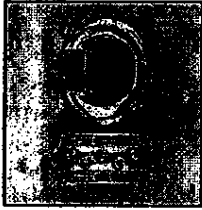
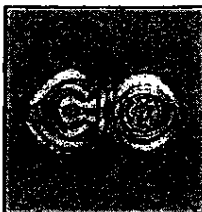
Most styles are available in all metals
 Call for pricing and availability
 Prices may change without notice
 Carat weights are approximate total weights



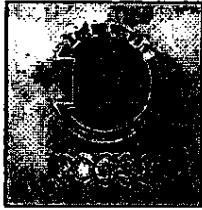
Price: \$135.00
 Carat Weight: 0.05
 Style Number: 2K73D
 Description: Round
 Metal: 14kt w/g
 More Info



Price: \$235.00
 Carat Weight: 0.09
 Style Number: 7A95D
 Description: Round
 Metal: 14kt T.T.
 More Info



Price: \$1250.00
 Carat Weight: 1.00
 Style Number: 2N81D
 Description: Round
 Metal: 14kt w/g
 More Info



Price: \$175.00
 Carat Weight: 0.20
 Style Number: 7M79DS
 Description: Single Cut - Heart & Key
 Metal: 14kt w/g
 More Info



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64 65 66 67 68 69 70

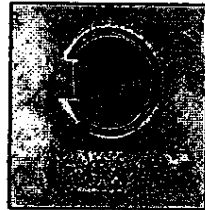
Most styles are available in all metals
 Call for pricing and availability
 Prices may change without notice
 Carat weights are approximate total weights



Price: \$475.00
 Carat Weight: 40.00
 Style Number: 2J51DS
 Description: Round
 Metal: 14kt w/g
 More Info



Price: \$135.00
 Carat Weight: 0.02
 Style Number: 7K87DS
 Description: Single Cut - Shell
 Metal: 14kt w/g
 More Info



Price: \$650.00
 Carat Weight: 1.00
 Style Number: 2Q70DS
 Description: Single Cut Round
 Metal: 14kt w/g
 More Info

Price: \$175.00
 Carat Weight: 0.06
 Style Number: 7980DS
 Description: Diamond Mother & Child
 Metal: 14kt T.T.
 More Info

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66 67 68 69 70 71 72

Most styles are available in all metals
 Call for pricing and availability
 Prices may change without notice
 Carat weights are approximate total weights